

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE; ~~LOISTE?~~;  
NEW ENGLAND STATE-AREA  
CONFERENCE OF THE NAACP; REV.  
TALBERT W. SWAN, II; GUMERSINDO  
GOMEZ; FRANK BUNTIN; RAFAEL  
RODRIGUEZ; and DIANA NURSE,

Plaintiffs,

v.

CITY OF SPRINGFIELD and SPRINGFIELD  
ELECTION COMMISSION,

Defendants.

Civil Action No. 05-30080 MAP

**TRIAL AFFIDAVIT OF ATIYA DANGLEBEN**

I, Atiya Dangleben, make the following declaration based on personal knowledge:

1. I am the State-Wide Director for MassVote, located at 18 Tremont Street, Boston, MA. Founded in 1999, MassVOTE is a non-partisan voting rights organization. We work with community-based non-profit organizations to increase voter education and turnout across Massachusetts. MassVOTE works to eliminate barriers and encourage voting, especially among communities of color, language minorities, low-income communities, youth, new American citizens, and the disabled.

2. I graduated from Boston College in 2000 with a degree in political science and then worked as an aide to Senator Dianne Wilkerson.

3. I joined BostonVOTE in the summer of 2001 as the Project Coordinator, and have been with the organization, now called MassVOTE, since that time. In the summer of 2004 I

became State-Wide Director, and from May 2006 until September 2006 served as Interim Executive Director. I am very familiar with the MassVOTE organization, its mission and history, and the various outreach and activities it has conducted since its inception, including the poll monitoring efforts in the November 2004 general election.

4. Statewide, MassVOTE has over 300 community partners, or MassVOTE sites, spread out over six cities, one of which is Springfield.

5. As part of its regularly conducted business activity to educate current and potential voters, MassVOTE organizes initiatives each year, including: making available non-partisan information about candidates; creating site kits that provide the “nuts and bolts”: information voters need such as election dates and voter registration deadlines; conducting up to three training workshops for each site; hosting candidate forums. The goal of these initiatives is to educate and empower voters.

8. Additionally, as part of its regularly conducted activity to affect election reform, in November 2004, MassVOTE organized individuals to monitor the general election in eleven cities throughout Massachusetts. During that effort, 600 volunteers monitored voting inside the polling place, surveyed voters outside the polls, and responded to concerns reported to a toll-free hotline. The purpose of the effort was two-fold: to collect data about problems facing voters, and to assist voters who faced problems on election day so that they could effectively cast a ballot. This statewide effort included monitoring polling locations in the City of Springfield.

10. Prior to the November 2004 election, I met with Kathy Fleury from the elections office for the City of Springfield. The purpose of the meeting was to inform Ms. Fleury that MassVOTE was organizing monitors for certain polling sites around Springfield and that we had permission from the Office of the Secretary of State to be inside the polling place. We also

wanted to find out whether there were any specific issues regarding Springfield, so as to ensure election day would go smoothly for voters and monitors. Ms. Fleury offered no specific information regarding the election in general or regarding issues unique to Springfield.

11. For the statewide monitoring effort, MassVOTE provided a specific report form on which the monitors were to compile data and information regarding acts, events, or conditions observed within a particular polling location. The information on the report was to be recorded at or near the time of the occurrence by the monitor who had knowledge of the occurrence from direct observation. The monitors were also instructed to record information transmitted by the poll workers or voters, at the time the information was heard or relayed to them. These monitoring reports were made and kept in the course of regularly conducted business activity of our organization.

12. In October of 2004, we provided training for coordinators and individual volunteers regarding legal procedures related to elections and poll observations; the need to specifically listen to the interaction between voters and poll officials inside the polling place, but to refrain from speaking to voters there; the best way to approach voters outside; and a hotline number to call if they observed repeated problems inside the polling places.

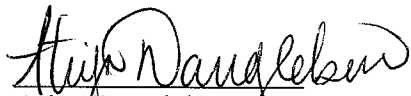
13. A significant portion of the training also covered how to tally problems observed using the categories on the standard report form created by MassVOTE. Each monitor and surveyor was asked to record the information collected on the form and to mail the forms back to us in the self-addressed envelope after the election. The original election monitoring reports and surveys are currently stored in a file cabinet in our office.

14. I have recently reviewed the monitoring reports created during the November 2004 elections in Springfield. The attached reports completed by Christina Densmore, Tory Field and

Keely Malone, and labeled as Exhibits C1, C2 and C3, respectively, are true and accurate copies of the original monitoring reports we have on file in our office.

15. The reports indicate that there were voting problems in several precincts involving voters leaving the polls without voting; voters being given wrong information; voters having language problems; voters asked for ID when not necessary; voters not told about provisional ballots, and voters at wrong polling location. Monitors also indicated that the poll workers did not reflect the language, age or ethnic diversity of the neighborhood and that there was no Spanish translation provided at predominantly Spanish neighborhoods.

Signed under the pains and penalties of perjury this 2 day of February 2007.

  
Atiya Dangleben

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on February 2, 2007.

/s/ Paul E. Nemser

# EXHIBIT A

Volunteer Name Tory Field  
 Polling Location GENUINE APES WARD 3  
PREC B

City SPPUD  
 Time of Shift 7:10-8:00

### Poll Monitor: Checklist for the Shift

Please keep a running tally of your observations, a single voter may have more than one problem.

# of Voters Observed	344 III
# of Voters who check in without problems	III
<b>WHEN VOTER IS INACTIVE</b>	
▪ Voter Shows ID and votes	
▪ ID DISPUTE #1: Votes on Provisional Ballot if ID problem	
▪ ID DISPUTE #2: Leaves poll without voting for any reason.	
<b>WHEN VOTER IS NOT ON LIST</b>	
▪ Voter is at Wrong Polling Location.	II
▪ Voter can't be found, Offered Provisional Ballot and Votes on Provisional Ballot	
▪ Check here if Voter Leaves without voting for any reason	11*1* (NOTES ON BACK) <del>Can't find voter - voter leaves without voting for any reason</del>
<b>WHEN FIRST TIME VOTER HAS ID PROBLEMS (No ID or Disputed ID)</b>	
▪ First Time Voter uses Provisional Ballot	
▪ Leaves poll without voting to go home and get ID or gives up.	
<b>WHEN POLL WORKER CONDUCT AN ISSUE</b>	
▪ Poll Worker Discourtesy (mildly or more)	
▪ Poll Worker Gives Wrong Info - Needs to be Corrected	
▪ (beyond "ordinary misstatement")	
<b>WHEN A VOTER HAS A "RIGHTS" PROBLEM</b>	
▪ Questioned on bringing materials into voting booth	
▪ Questioned on bringing helper into voting booth	
▪ When language is a problem for voter	
▪ Scan Equipment Rejects a Ballot	(check here when ballot gets rejecting by scanner)
▪ Voter Asked for ID when not necessary - not a new voter, not an inactive voter.	

PS&G-Bayonne NJ

EXHIBIT

C2



Volunteer Name \_\_\_\_\_ City \_\_\_\_\_  
 Polling Location \_\_\_\_\_ Time of Shift \_\_\_\_\_

### OTHER - general or one time events

	(Check how many times)
<b>Describe if a problem</b>	
Phone lines don't work or line is busy	I asked you workers if they had a phone available to call city hall - when someone had a problem - the worker said "YEAH BUT ITS LIKE RUNNING INTO A WALL TRYING TO CALL CITY HALL" SO THEY DON'T CALL
Scanner Breaks Down - please describe event	(I GOT THEM TO CITY HALL 4 TIMES THIS MORNING WITH PROBLEMS)
Precinct has Incorrect or Insufficient number of Ballots	
Signage Issues Inside Precinct.	
Poll well signed from street. Parking complaints if any?	
Poll Opens on Time	
Voters in Line by 8 PM allowed to vote	

### POLL WORKER DEMOGRAPHIC QUESTION

In your estimation - do the poll workers reflect the ethnic and language diversity of the voters? If not, in what way do they differ? Age? Language? Ethnic background?

\* CAME INTO VOTE. RECENTLY REGISTERED AT WORK. NOT ON LIST. NOT OFFERED PROVISIONAL BALLOT. LEFT WITHOUT VOTING. TOLD SORRY!  
 A. NOT ON LIST. HAD GONE TO DIFF POLL THIS MORNING - THEY HAD HIM ON LIST BUT TOLD HIM TO GO HOME (HAD GONE TO SCHOOL ST.) NOT ON LIST HERE - THEY SAID TO GO BACK TO SCHOOL ST. POLL (ONLY 10 MINS LEFT)  
 I. ALL WORKERS NEVER SAID ANYTHING ABOUT PROVISIONAL BALLOTS EVEN WHEN SOME PEOPLE WERE SENT AWAY WHEN THOUGH THEY SAID THEY VOTED THERE.  
 All information is confidential.

Please:

1. Return your filled in tally sheet to Your Coordinator at the end of the shift, or, if instructed,
2. Put Postage Paid Envelope into nearest Mailbox.

Thank you.

Volunteer Name Christina DesmoreCity SpringfieldPolling Location BrookingsTime of Shift 1:00 - 3:30**Poll Monitor: Checklist for the Shift**

Please keep a running tally of your observations, a single voter may have more than one problem.

# of Voters Observed	 
# of Voters who check in without problems	 
<b>WHEN VOTER IS INACTIVE</b>	
• Voter Shows ID and votes	
• ID DISPUTE #1: Votes on Provisional Ballot if ID problem	
• ID DISPUTE #2: Leaves poll without voting for any reason.	
<b>WHEN VOTER IS NOT ON LIST</b>	
• Voter is at Wrong Polling Location.	
• Voter can't be found. Offered Provisional Ballot and Votes on Provisional Ballot	
• Check here if Voter Leaves without voting for any reason	
<b>WHEN FIRST TIME VOTER HAS ID PROBLEMS (No ID or Disputed ID)</b>	
• First Time Voter uses Provisional Ballot	
• Leaves poll without voting to go home and get ID or gives up.	
<b>WHEN POLL WORKER CONDUCT AN ISSUE</b>	
• Poll Worker Discourtesy (mildly or more)	
• Poll Worker Gives Wrong Info - Needs to be Corrected	
• (beyond "ordinary misstatement")	
<b>WHEN A VOTER HAS A "RIGHTS" PROBLEM</b>	
• Questioned on bringing materials into voting booth	
• Questioned on bringing helper into voting booth	
• When language is a problem for voter	
• Scan Equipment Rejects a Ballot	(check here when ballot gets rejecting by scanner) 
• Voter Asked for ID when not necessary - not a new voter, not an inactive voter.	

Ballot put in wrong box

EXHIBIT

C1

Volunteer Name Christine DeSantis  
 Polling Location Buckings 3/D

City Springfield  
 Time of Shift noon 3:30

### OTHER – general or one time events

Check how many times.

#### Describe if a problem

Phone lines don't work or line is busy

Scanner Breaks Down – please describe event

Ballot wouldn't go through, because marks not dark enough

Precinct has Incorrect or Insufficient number of Ballots

Signage Issues inside Precinct.

Poll well signed from street.  
 Parking complaints if any?

Poll Opens on Time

Voters in Line by 8 PM allowed to vote

### POLL WORKER DEMOGRAPHIC QUESTION

In your estimation – do the poll workers reflect the ethnic and language diversity of the voters? If not, in what way do they differ? Age? Language? Ethnic background? The poll workers did not represent the age or language diversity of the neighborhood. There was no Spanish translation provided at all in a predominantly Spanish neighborhood.

One of the workers decided to ID everyone who came to his table no matter what.

All information is confidential.

Please:

1. Return your filled in tally sheet to Your Coordinator at the end of the shift, or, if instructed,
2. Put Postage Paid Envelope into nearest Mailbox.

Thank you.



## Poll Monitor: Checklist for the Shift

Please keep a running tally of your observations, a single voter may have more than one problem.

# of Voters Observed	93
# of Voters who check in without problems	
<b>WHEN VOTER IS INACTIVE</b>	
Voter Shows ID and votes	
ID DISPUTE #1: Votes on Provisional Ballot if ID problem	
ID DISPUTE #2: Leaves poll without voting for any reason.	
<b>WHEN VOTER IS NOT ON LIST</b>	
Voter is at Wrong Polling Location	
Voter can't be found. Offered Provisional Ballot and Votes on Provisional Ballot	
Check here if Voter Leaves without voting for any reason	
<b>WHEN FIRST TIME VOTER HAS ID PROBLEMS (No ID or Disputed ID)</b>	
First Time Voter uses Provisional Ballot	
Leaves poll without voting to go home and get ID or gives up.	
<b>WHEN POLL WORKER CONDUCT AN ISSUE</b>	
Poll Worker Discourtesy (mildly or more)	
Poll Worker Gives Wrong Info - Needs to be Corrected (beyond "ordinary misstatement")	
<b>WHEN A VOTER HAS A "RIGHTS" PROBLEM</b>	
Questioned on bringing materials into voting booth	
Questioned on bringing helper into voting booth	
When language is a problem for voter	
Scan Equipment Rejects a Ballot	(check here when ballot gets rejecting by scanner)
Voter Asked for ID when not necessary not a new voter, not an inactive voter.	

**EXHIBIT**

C3

Volunteer Name Keely MaloneCity Springfield MAPolling Location Brookline Ward 3 - ETime of Shift 5:30 - 7:30 pm**OTHER - general or one time events**

Check how many times:

**Describe if a problem**

Phone lines don't work or line is busy

Scanner Breaks Down - please describe event

Precinct has Incorrect or Insufficient number of Ballots

Signage Issues inside Precinct.

Poll well signed from street. Parking complaints if any?

Poll Opens on Time

Voters in Line by 8 PM allowed to vote

**POLL WORKER DEMOGRAPHIC QUESTION**

In your estimation - do the poll workers reflect the ethnic and language diversity of the voters? If not, in what way do they differ? Age? Language? Ethnic background?

The majority of the poll workers,  
7 out of 9 were elderly. There were no  
Hispanic poll workers either.

All information is confidential.

Please:

1. Return your filled in tally sheet to Your Coordinator at the end of the shift, or, if instructed,
2. Put Postage Paid Envelope into nearest Mailbox.

Thank you.